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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/17/2005

Helmut Burklin

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03/23/2009

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EXAMINER

RUTKOWSKI, JEFFREY M

ART UNIT

PAPER NUMBER

2419

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/553,527	Applicant(s) BURKLIN ET AL.	
	Examiner JEFFREY M. RUTKOWSKI	Art Unit 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim 2 has been cancelled.

Drawings

1. The drawings are objected to because figure 3 is confusing. For example, the line interconnecting step E13 and E9 contains the word "NO". The step E13 is not a decision point, so it is not clear to what the word "NO" referring. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

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pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 1 and 3-8** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The original specification does not adequately describe how the bridge head is connected to the transparent bridge. According to the specification, the bridge heads are connected to a transparent network [**Specification, page 5 lines 12-25**]. From the cited portion of the specification, it appears the bridge heads are the transparent bridges.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. **Claims 1 and 8-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Straub et al. (WO 02/33902), hereinafter referred to as Straub, in view of Zou (US Pat 6,160,796).

7. For **claim 1**, Straub discloses a network where bridges are used to interconnect separate buses [**figures 1 and 2**]. The bridges, WBox1 and WBox2, in Straub's invention are transparent bridges because the nodes on each bus are not aware that WBox1 and WBox2 are used in the network [**page 3, lines 10-15**]. Straub disclose a situation where bus resets (reset messages) are passed between the busses [**page 4 line 30 to page 5 line29**]. When several bus resets are received, by a bridge, in short intervals (series of reset messages) only the last reset message received before the grant of a transmission slot is selected for transmission to the other bus.

8. Straub does not disclose only transmitting a reset message when an alternation in the change of a number of nodes occurs. Zou discloses bus reset messages are sent when a device is inserted (up direction) or removed (down direction) [**col. 12 lines 1-17**]. In Zou's invention, the series of reset messages could include messages that reflect the addition of a new device and the removal of a different device from the bus [**col. 2 lines 15-20**]. In the situation where an alternation in the direction of change is reflected by a singular addition and removal (single device added and single device removed), it would have been obvious to a person of ordinary skill in the art to only transmit bus resets that caused an alternation in the change of direction in Straub's invention to conform to the IEEE 1394 standard [**Zou, col. 2 lines 12-21**].

9. For **claims 8 and 10**, Straub discloses the use of IEEE 1394 buses [**figures 1 and 2**].

10. For **claim 9**, Straub discloses a bridge WBox1 that has an interface connected to a bus and an interface connected to a HiperLAN network [**figures 1 and 2**]. Additionally, WBox1 contains a means for selective transmission of reset messages [**page 5 lines 1-5**].

11. Straub does not disclose only transmitting a reset message when an alternation in the change of a number of nodes occurs. Zou discloses bus reset messages are sent when a device is

inserted (up direction) or removed (down direction) [**col. 12 lines 1-17**]. In Zou's invention, the series of reset messages could include messages that reflect the addition of a new device and the removal of a different device from the bus [**col. 2 lines 15-20**]. In the situation where an alternation in the direction of change is reflected by a singular addition and removal (single device added and single device removed), it would have been obvious to a person of ordinary skill in the art to only transmit bus resets that caused an alternation in the change of direction in Straub's invention to conform to the IEEE 1394 standard [**Zou, col. 2 lines 12-21**].

12. **Claims 4 and 6** rejected under 35 U.S.C. 103(a) as being unpatentable over Straub in view of Zou as applied to **claim 1** above, and further in view of Hattig (US Pat 6,466,549).

13. For **claim 4**, Straub discloses the use of bus resets in a network. However, Straub does not disclose the cause of a bus reset. Hattig discloses when devices are added and removed a bus automatically reconfigures itself (a given method for phase recognition) [**col. 1 lines 25-28**]. It would have been obvious to a person of ordinary skill in the art to automatically reconfigure a bus in Straub's invention to provide plug-and-play capabilities [**Hattig, col. 1 line 23**].

14. For **claim 6**, Straub does not disclose the simulating the disconnecting of an entire bus. Hattig discloses a solicit action, which is essentially the same as a reset message, may be invoked at the request of an application in need of new or refreshed discovery information [**col. 5 lines 7-21**]. Because the network devices are not actually disconnected when a new solicit action (bus reset) is performed Hattig suggests the simulating the disconnection of an entire bus. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use Hattig's solicit action mechanism in Straub's invention to make sure topology information in a network does not become stale.

Response to Arguments

15. The argument with respect to the selecting reset messages caused by an alternation in the direction of change for transmission is not persuasive.

16. In a scenario where a node is added and another node is removed the claimed invention is not distinguishable over the prior art because both will transmit the same number of reset messages. In this scenario, the series of reset messages includes one add message immediately followed by one remove message.

17. In a scenario where two nodes are removed the claimed invention is distinguishable because only one reset message will be transmitted by the claimed invention. In this scenario, the series of reset messages includes two consecutive remove messages.

18. The arguments filed on 12/19/2008 have been fully considered but are not persuasive, for the reasons stated above.

Conclusion

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY M. RUTKOWSKI whose telephone number is (571)270-1215. The examiner can normally be reached on Monday - Friday 7:30-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey M Rutkowski
Patent Examiner
03/14/2009

/Hassan Kizou/
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